

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*West Boca Medical Center, Inc. v.  
AmerisourceBergen Drug Corp., et al.,*  
Case No. 1:18-op-45530

MDL No. 2804

Case No. 1:17-MD-2804

Hon. Dan A. Polster

**UNOPPOSED MOTION TO DISMISS CVS HEALTH CORPORATION AND ADD  
CVS ORLANDO, FLORIDA DISTRIBUTION, LLC. AND  
CVS VERO, FLORIDA LLC. AS DEFENDANTS**

Pursuant to Federal Rule of Civil Procedure 21, Plaintiff in the above-captioned case hereby moves to dismiss Defendant CVS Health Corporation (“CVS Health”) from the case without prejudice and to add CVS Orlando, Florida Distribution, L.L.C. (“CVS Orlando”) and CVS Vero, Florida Distribution, L.L.C. (“CVS Vero”) as Defendants in that case. CVS Health does not oppose the motion.

On June 29, 2018, CVS Health moved to dismiss the complaint in the above-captioned case for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2). If this motion pursuant to Rule 21 to dismiss CVS Health is granted, the motion to dismiss for lack of personal jurisdiction will be moot.

This motion and the addition of CVS Orlando and CVS Vero to this case is without prejudice to any defenses, counterclaims, cross-claims, arguments, or other legal positions available to CVS Orlando and CVS Vero as Defendants in the case.

Dated: July 26, 2018

Respectfully submitted,

The Motion is Granted.

The motion to dismiss for lack of personal jurisdiction filed by Defendant CVS Health Corporation on June 29, 2018 (ECF No. 688) is hereby rendered moot.

s/ David A. Ruiz  
U.S. Magistrate Judge  
7/27/2018